

## **REMARKS**

Claims 3-4 and 9-15 are pending in the instant application. At the outset, Applicant gratefully acknowledges the allowance of claims 3-4 and the indication of allowable subject matter in claims 9-15. In the most recent Office Action, claims 1-2 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,137,896 to Chang, et al. ("Chang") in view of the article Image-Based Rendering of Diffuse, Specular and Glossy Surfaces from a Single Image, Boivin, et al., ACM SIGGRAPH 2001, Aug 12-17, 2001 ("Boivin"). Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as allegedly obvious over claim 6 of U.S. Patent No. 6,900,805 to Thornber, et al. ("Thornber '805"). Claims 9-13 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly obvious over claims 1-5 of U.S. Patent No. 6,853,745 to Jacobs, et al. ("Jacobs") in view of U.S. Patent No. 6,639,594 to Zhang, et al. ("Zhang").

As amended above, claims 1-2 are cancelled without disclaimer or prejudice to their subsequent reintroduction in this or a continuing application. Claims 5-8, withdrawn pursuant to Examiner's Restriction Requirement and Applicant's election, are canceled with disclaimer or prejudice to their subsequent reintroduction in this or a divisional application under 35 U.S.C. § 121.

Turning to claims 9-13, filed concurrently herewith is a statutory terminal disclaimer over Jacobs. Without acquiescing in the propriety of the rejection, or the obviousness of the claims, Applicant respectfully submits that the double patenting rejection of claims 9-13 is obviated by the terminal disclaimer. See, *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed.

Cir. 1991) (Filing a terminal disclaimer in response to a PTO obviousness-type double patenting rejection of a second patent application in view of a first patent creates no presumption or estoppel on the merits of the rejection.)

Therefore, in light of the foregoing, Applicant respectfully submits that all claims recited patentable subject matter, and kindly solicits and early and favorable indication of allowability of all claims. If the Examiner has any reservation in allowing the claims, and believes that a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at an earliest convenience.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David J. Torrente", with a stylized flourish at the end.

David J. Torrente  
Registration No. 49,099

Scully, Scott, Murphy & Presser  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

DJT:rd